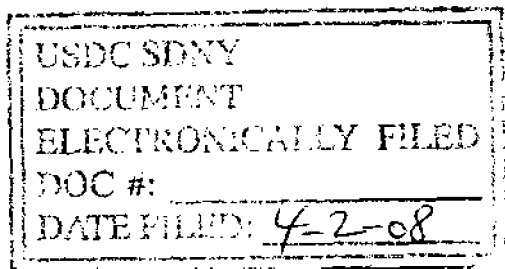


Neenan

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*Attorneys for Defendant Merck & Co., Inc.*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK



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IN RE:	:
Fosamax Products Liability Litigation	:
-----X	
<i>This Document Relates to:</i>	:
Mildred Olstad	:
v. Merck & Co., Inc.	:
Case No: 1:07-cv-9331-JFK	:
-----X	

1:06-md-1789 (JFK)

**STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between  
 Plaintiff Mildred Olstad and Defendant Merck & Co., Inc., ("Merck") through their  
 respective undersigned counsel, as follows:

1. This case having been resolved upon the agreement of Plaintiff to  
 voluntarily dismiss without prejudice her claims against Merck in the above-captioned  
 case and the agreement of Merck not to seek from Plaintiff its fees and costs, this case is  
 hereby dismissed without prejudice ~~per se~~ <sup>JFK</sup> to pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

2. Plaintiff further agrees to re-file any suit based on any similar claims  
 related to Fosamax against Merck, any of Merck's subsidiaries, agents, distributors,  
 employees, sales representatives, or against any pharmacy in this Court without joining  
 any party whose joinder would defeat diversity pursuant to 28 U.S.C. 1332.

BA2337618

3. Each party is to bear its own costs and attorneys' fees.

Dated: March 26, 2008

MOTLEY RICE LLC

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*Attorneys for Plaintiff*

SO ORDERED: John F. Keenan 4/2/08  
Hon. John F. Keenan